

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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CLERK, U.S. DISTRICT COURT
ST. PAUL, MN

UNITED STATES OF AMERICA,
Plaintiff,

Case No. 18-CR-120(ADM/KMM)
(NEB/KMM)

v.

DWIGHT FREDERICK BARNES,
Defendant.

AFFIDAVIT-IN-SUPPORT

Now comes, Dwight Frederick Barnes, swearing under the penalty of perjury pursuant to 28 U.S.C.S. 1746, that the following is true and correct to the best of his recollection:

1. On January 2, 2020 @ approximately 11am, Attorney Lengeling specifically stated to me that I should not have filed the RECUSAL motion against Judge Brasel because he has a good relationship with Judge Nancy Brasel from back when she was a state court judge, up to his recent cases before her at the federal level, and he know that she is not going to take lightly of me having filed a RECUSAL motion against her, and that she is going to prove her allegiance to her friend and former USAO colleague LeeAnn Bell (AUSA) and the federal courts by going against defendants like me which I should be able to see when she has continuously sentenced African Americans to very lengthy sentences since being newly appointed. Attorney Lengeling told me to reference the Cleopheus Reed and Miles Lewis cases where she "Judge Brasel" immediately sentenced both of those blacks to lengthy 20 year terms.

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2. I believed what attorney Lengeling had told me when Judge Nancy Brasel suddenly voiced to me outside the jury's presence that I was facing a mandatory 20 year minimum sentence on this conspiracy to distribute methamphetamine count. I believed attorney Lengeling then at that moment after hearing Judge Brasel state this to me in person because I knew that AUSA LeeAnn Bell had actually filed the vindictive 851 enhancement motion 13 months after I was indicted as reprisal for me asserting my right to trial, which in contrast entailed a 15 year mandatory minimum, not the 20 year mandatory minimum that Judge Brasel had obviously subconsciously resolved to sentence me to should the jury return a guilty verdict.

3. During the conclusion of trial yesterday (February 5, 2020), attorney Lengeling stated to me that the Eighth Circuit Court of Appeal Judges upstairs on the 7th floor had always been nice to him if I wanted to have him file an appeal for me, but that he did not believe the claims would be genuinely reviewed with the appellate Judges "upstairs" being Judge Brasel's obvious colleagues; and that he did not know if Katherian Roe would even assign another attorney other than him to do my appeal because he claimed to now be so familiar with the case.

I declare under the penalty of perjury that the above is true and correct, and sign my name herein pursuant to 28 U.S.C.S. 1746.

/s/ DWIGHT FREDERICK BARNES

Dated: February 6, 2020

Dwight Frederick Barnes
Sherburne County Jail
13880 Business Center Dr. NW
Elk River, Minnesota 55330-1692